

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Darian Nikia Munson v. Sergeant Alesandre; John Doe; John Doe

Munson · No. 3:25-cv-02015-DMS-JLB · Decided October 27, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed Darian Nikia Munson’s 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A(b)(1). The court held that the alleged loss or damage to Munson’s television did not state a viable Fourteenth Amendment due process claim because California provides an adequate post-deprivation remedy, and denied his motion to proceed in forma pauperis as moot.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Dana M. Sabraw
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 27, 2025
DOCKET	3:25-cv-02015-DMS-JLB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983, screened sua sponte under 28 U.S.C. § 1915A, with a pending motion to proceed in forma pauperis.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court screens prisoner complaints against governmental entities or officials using the same failure-to-state-a-claim standard applicable under Federal Rule of Civil Procedure 12(b)(6). The complaint must contain sufficient factual matter to state a plausible claim for relief, and conclusory statements or threadbare recitals are insufficient.
PRECEDENTIAL VALUE	Unpublished federal district court order; precedential status is unknown and the source does not identify the order as published.
PARTIES	Darian Nikia Munson v. Sergeant Alesandre, John Doe, Correctional Officer, John Doe, Warden

TOPICS

section 1983

prisoners rights

due process

motions to dismiss

civil procedure

PRACTICE AREAS

civil rights

prisoner civil rights

federal civil procedure

constitutional torts

remedies

QUESTIONS PRESENTED

1. Whether Munson's allegation that prison officials intentionally or negligently damaged his television stated a Fourteenth Amendment due process claim under 42 U.S.C. § 1983.
2. Whether the complaint should be dismissed sua sponte under 28 U.S.C. § 1915A(b)(1).
3. Whether Munson's motion to proceed in forma pauperis should be denied as moot after dismissal of the action.

HOLDINGS

1. A prisoner cannot state a viable Fourteenth Amendment due process claim under § 1983 for an unauthorized intentional or negligent deprivation of personal property when the state provides an adequate post-deprivation remedy. California's tort-claim process is an adequate remedy for Munson's alleged property loss.
2. The court must dismiss a prisoner's complaint at screening when it fails to state a claim upon which relief may be granted, applying the Federal Rule of Civil Procedure 12(b)(6) plausibility standard.

KEY QUOTATIONS

“The standard for dismissal for prisoner claims at screening is the ‘same as the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim.’” (Opinion text at 2)

“A negligent or intentional deprivation of a prisoner’s property fails to state a claim under section 1983 if the state has an adequate post deprivation remedy.” (Opinion text at 3)

FACTUAL BACKGROUND

After Munson was released from administrative segregation and assigned to a general-population yard at Richard J. Donovan Correctional Facility in October 2024, his property was sent to the Receiving and Release Unit. When he later retrieved the property, he discovered that his television was damaged. His grievance was denied, and he sought \$1,500 in compensatory and punitive damages from correctional officials under § 1983.

PROCEDURAL HISTORY

Munson filed a pro se § 1983 complaint alleging that correctional officials damaged his television during a prison cell move and failed to replace or reimburse him. He also moved to proceed in forma pauperis. The district court conducted mandatory prisoner screening, dismissed the complaint for failure to state a claim, found amendment would be futile, denied the IFP motion as moot, and directed entry of final judgment and closure of the case.

DISPOSITION

dismissed

CASES CITED

- Chavez v. Robinson, 817 F.3d 1162, 1168 (9th Cir. 2016)
- Resnick v. Hayes, 213 F.3d 443, 446-47 (9th Cir. 2000)
- Olivas v. Nevada ex rel. Department of Corrections, 856 F.3d 1281, 1283 (9th Cir. 2017)
- Long v. Sugai, 91 F.4th 1331, 1336 (9th Cir. 2024)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Wilhelm v. Rotman, 680 F.3d 1113, 1121 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Shroyer v. New Cingular Wireless Services, Inc., 622 F.3d 1035, 1041 (9th Cir. 2010)
- Navarro v. Block, 250 F.3d 729, 732 (9th Cir. 2001)
- Hebbe v. Pliler, 627 F.3d 338, 342 & n.7 (9th Cir. 2010)
- Bretz v. Kelman, 773 F.2d 1026, 1027 n.1 (9th Cir. 1985)
- Ivey v. Board of Regents of the University of Alaska, 673 F.2d 266, 268 (9th Cir. 1982)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Naffe v. Frye, 789 F.3d 1030, 1035-36 (9th Cir. 2015)
- Hansen v. May, 502 F.2d 728, 730 (9th Cir. 1974)
- Hudson v. Palmer, 468 U.S. 517, 533 (1984)
- Barnett v. Centoni, 31 F.3d 813, 816-17 (9th Cir. 1994)
- Teahan v. Wilhelm, 481 F. Supp. 2d 1115, 1120 (S.D. Cal. 2007)
- Kemp v. Skolnik, 2012 WL 366946, at *6 (D. Nev. Feb. 3, 2012)

OPINION

Munson

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 DARIAN NIKIA MUNSON, Case No.: 3:25-cv-02015-DMS-JLB

CDCR #AC-8959,

12

ORDER DISMISSING CIVIL

Plaintiff,

13 ACTION FOR FAILING TO

vs. STATE A CLAIM PURSUANT

TO 28 U.S.C. § 1915A(b)(1) AND
 15 DENYING MOTION TO
 SERGEANT ALESANDRE, Correctional
 PROCEED IN FORMA

16 Officer; JOHN DOE, Correctional Officer;
 PAUPERIS AS MOOT

JOHN DOE, Warden, 17 Defendants. [ECF No. 2] 18 19 20 Plaintiff Darian Nikia Munson, who is proceeding pro se and incarcerated at Salinas 21 Valley State Prison (“SVSP”) in Soledad, California, has filed a civil rights complaint 22 (“Compl.”) pursuant to 42 U.S.C. § 1983 (ECF No. 1), together with a motion to proceed 23 In Forma Pauperis (“IFP”) (ECF No. 2). Munson claims correctional officials at Richard 24 J. Donovan Correctional Facility (“RJD”) in San Diego damaged his TV during a cell move 25 in October 2024 and later denied his requests for replacement or reimbursement. See

26 Compl. at 3–4. Munson seeks \$1,500 in compensatory and punitive damages. *Id.* at 8.

27 For the reasons explained, the Court dismisses Munson’s complaint sua sponte for 28 failing to state a claim upon which § 1983 relief can be granted pursuant to 28 U.S.C. 1 § 1915A(b)(1). Because the Court finds amendment would be futile, it denies Munson’s 2 motion to proceed IFP as moot.

3 I. SUA SPONTE SCREENING PURSUANT TO 28 U.S.C. § 1915A(B)

4 A. Standard of Review

5 Section 1915A(a) “mandates early review— ‘before docketing [] or [] as soon as
 6 practicable after docketing’—for all complaints ‘in which a prisoner seeks redress from a 7 governmental entity or officer or employee of a governmental entity.’” *Chavez v. Robinson*, 8 817 F.3d 1162, 1168 (9th Cir. 2016). The mandatory screening provisions of § 1915A 9 apply to all prisoners, no matter their fee status, who bring suit against a governmental 10 entity, officer, or employee. See, e.g. *Resnick v. Hayes*, 213 F.3d 443, 446–47 (9th Cir. 11 2000). “On review, the court shall ... dismiss the complaint, or any portion of the 12 complaint,” if it “(1) is frivolous, malicious, or fails to state a claim upon which relief may 13 be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” 14 *Olivas v. Nevada ex rel. Dept. of Corr.*, 856 F.3d 1281, 1283 (9th Cir. 2017) (quoting 28 15 U.S.C. § 1915A(b)). 16 “The standard for dismissal for prisoner claims at screening is the ‘same as the 17 Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim.’” *Long v.* 18 *Sugai*, 91 F.4th 1331, 1336 (9th Cir. 2024) (quoting *Watison v. Carter*, 668 F.3d 1108, 19 1112 (9th Cir. 2012) (citation omitted)); see also *Wilhelm v. Rotman*, 680 F.3d 1113, 1121 20 (9th Cir. 2012) (noting that screening pursuant to § 1915A “incorporates the familiar 21 standard applied in the context of failure to state a claim under Federal Rule of Civil
 22 Procedure 12(b)(6)”). Rule 12(b)(6) requires a complaint to “contain sufficient factual

23 matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal quotation marks omitted); *Wilhelm*, 680 F.3d at 25 1121. A complaint fails to state a claim if it lacks a “cognizable legal theory” or “sufficient 26 facts ... to support a cognizable legal theory.” *Shroyer v. New Cingular Wireless Servs., Inc.*, 622 F.3d 1035, 1041 (9th Cir. 2010) (quoting *Navarro v. Block*, 250 F.3d 729, 732 28 (9th Cir. 2001)). Detailed factual allegations are not required, but “[t]hreadbare recitals of 1 the elements of a cause of action, supported by mere conclusory statements, do not suffice.” 2 *Iqbal*, 556 U.S. at 678. And while the court “ha[s] an obligation where the petitioner is pro 3 se, particularly in civil rights cases, to construe the pleadings liberally and to afford the 4 petitioner the benefit of any doubt,” *Hebbe v. Pliler*, 627 F.3d 338, 342 & n.7 (9th Cir. 5 2010) (citing *Bretz v. Kelman*, 773 F.2d 1026, 1027 n.1 (9th Cir. 1985)), it may not “supply 6 essential elements of claims that were not initially pled.” *Ivey v. Bd. of Regents of the Univ. 7 of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982). 8 B. Factual Allegations 9 Munson claims after he was released from administrative segregation and assigned 10 to a general population yard at RJD in October 2024, his personal property, including a 11 TV, was sent to the Receiving & Release (“R&R”) Unit. See Compl. at 4. After completing 12 a period of orientation, Munson was summoned to R&R to pick up his property, but he 13 discovered his TV was damaged. *Id.* Munson alleges he was given a property receipt which 14 falsely claimed the TV was “found broken” when it was confiscated, and advised to fill out 15 a grievance. *Id.*; see also Ex. A–C. Munson’s grievance was denied, however, and he now 16 seeks to hold RJD Sergeant Alesandre, the unidentified Correctional Officer who packed 17 his property, and RJD’s Warden responsible for the damage to his TV pursuant to 42 U.S.C. 18 § 1983. *Id.* at 4. 19 C. Discussion 20 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential 21 elements: (1) that a right secured by the Constitution or laws of the United States was 22 violated, and (2) that the alleged violation was committed by a person acting under the 23 color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988); *Naffe v. Frye*, 789 F.3d 1030, 24 1035–36 (9th Cir. 2015). 25 Munson does not identify the basis for any constitutional violation, but his sole claim 26 is that he was deprived of his property. Prisoners have a protected interest in their personal 27 property. *Hansen v. May*, 502 F.2d 728, 730 (9th Cir. 1974). However, Munson has no 28 viable Fourteenth Amendment due process claim based on Defendants’ unauthorized 1)deprivation of his TV—whether intentional or negligent—if a meaningful state post- 2 ||deprivation remedy for his loss is available. See *Hudson v. Palmer*, 468 U.S. 517, 533 3 ||(1984). California’s tort claim process provides that adequate post-deprivation remedy. 4 || *Barnett v. Centoni*, 31 F.3d 813, 816-17 (9th Cir. 1994) (citing Cal. Gov’t Code §§ 810- 5 ||895) (“[A] negligent or intentional deprivation of a prisoner’s property fails to state a claim 6 under section 1983 if the state has an adequate post deprivation remedy.”); see also *Teahan 7 ||v. Wilhelm*, 481 F. Supp. 2d 1115, 1120 (S.D. Cal. 2007); *Kemp v. Skolnik*, 2012 WL 8 || 366946, at *6 (D. Nev. Feb. 3, 2012) (finding prisoner’s alleged loss or destruction of 9 || newspaper, magazines, and books failed to state a Fourteenth Amendment claim pursuant 10 ||to *Hudson* and noting that “[i]f

Plaintiff wishes to recoup the value of the alleged lost 11 || materials, he will have to file a claim in small claims court in state court.”).

12 CONCLUSION

13 Accordingly, the Court DISMISSES Munson’s complaint for failing to state a claim 14 |}upon which § 1983 relief can be granted pursuant to 28 U.S.C. § 1915A(b)(1). Because 15 |}amendment would be futile, the Court DENIES Munson’s motion to proceed IFP (ECF 16 || No. 2) as moot and DIRECTS the Clerk to enter a final judgment of dismissal and close 17 || the file. 18 IT IS SO ORDERED. 19 || Dated: October 27, 2025 2» nv ay. 20 Honorable Dana M. Sabraw United States District Judge 22 23 24 25 26 27 28